IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.
CRIMINAL APPLICATION No.**1982** of 2007

The State of Maharashtra ..Applicant.

Vs.

Gajanan @ Ganganand Pandurang ..Respondent.

Ms S. D. Shinde, APP for the State.

Mr S. H. Joshi, Advocate for the Respondent Nos. 1 to 5.

CORAM: V.C. DAGA,J.

DATED: 30TH JULY, 2007.

P.C.:-

1. Heard the learned APP for the Applicant-State and the learned Advocate for the respondent Nos. 1 to 5.

2. During the course of hearing, Mr Joshi, learned counsel appearing for the respondents, has made a grievance that a document which is being produced before this Court by the applicant in support of the cancellation of bail, was not made available before the learned Sessions Judge when the order dated 4.5.2007 granting anticipatory bail in C.R.No.I-168 of 2007 of Police Station Kalyan registered on 10-4-07, was passed. He, thus, submits that impugned order be set aside and the matter be remitted back to the learned Sessions Judge for consideration afresh.

3. Considering the joint motion made by the parties, without examining the merits or demerits of the impugned order,by consent, the same is set aside by dispensing with the reasons in support thereof, and the application for bail moved under Section 438 of the Cr.P.C. is restored to the file of the learned Sessions Judge for consideration afresh.

4. All rival contentions are kept open.

5. The application accordingly stands disposed of.

[V.C.DAGA,J]